



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2002-34

September 26, 2002

Mr. Robert Johnson  
825 Central St  
East Bridgewater, MA 02333

RE: DES Wetlands File #2001-02251 24 Rattlesnake Island, Alton

Dear Mr. Johnson

On August 8, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 79 as Lot 38 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and address a Wetlands complaint file # 2001-2251 (*Copy of alleged violator letter enclosed*).

During the inspection and the subsequent review of DES files, the following deficiencies were documented:

1. A seasonal dock with approximate dimensions of 4 feet by 20 feet 6 inches, attached to a 4 foot by 12 foot walkway was documented at the northern end of the property, within 11 feet of the property line, adjacent to a boat ramp that was located on shore.
2. Review of DES files shows no permit being issued for the installation of a seasonal dock along the northern end of the property. There is no historical evidence that a dock existed in this location since 1978 (*See enclosed copy of the Grandfathered status requirements*).
3. A boat ramp was constructed over the bank and into the waters of Lake Winnepesaukee with approximate dimensions of 6 feet by 15 feet, located approximately 3 feet from the abutters' property line. DES has no record of a permit being issued for this structure.
4. A seasonal fender "piling" structure with an approximate length of 22 feet, comprised of a 2x10 plank placed on edge with 2x4's placed upright along the plank, was documented at the southern end of the property, adjacent to a single slip boat house, approximately 5 feet from the abutters property line.
5. Review of DES files shows that an unauthorized seasonal dock, constructed on the south side of the boat house, was ordered to be removed August 26, 1985 (*Copy of order enclosed*).

6. DES has no record of a permit being issued for the seasonal fender structure along the south side of the property, adjacent to the boat house, presently located where the previous unauthorized seasonal dock was located.
7. The boat house is a single slip structure attached to the existing house with approximate exterior dimensions of 20 feet wide by 37 feet long, located over a dredged inlet. The Wetlands Board permit #J-68 issued on September 9, 1974, was for dredging 80 cubic yards in the inlet. DES has no record of a permit for the construction of a boat house over the inlet.

In response, you are requested to take the following actions

1. Within 30 days of the date of this letter, permanently remove the 4 feet by 20 feet 6 inch seasonal dock and all associated supports, presently located on the northern end of the property from DES's jurisdiction.
2. Within 30 days of the date of this letter, permanently remove the seasonal fender "piling" structure with an approximate length of 22 feet, comprised of a 2x10 plank placed on edge with 2x4's placed upright along the plank and all associated supports, presently located along the southern end of the property.
3. Within 30 days of the date of this letter, permanently remove the boat ramp and all supports from DES's jurisdiction.
4. Within 15 days of removing the seasonal dock, its supports, the seasonal fender "piling" structure and boat ramp, please submit photos and a cover letter
5. Within 60 days please provide evidence that you were granted a permit by DES or its predecessor, the Wetlands Board, for the construction of the boat house.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Specialist  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



**COPY**

Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9743

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Mark Harbaugh, DES Enforcement Attorney  
Alton Conservation Commission  
Alton Board of Selectmen  
David Killoy, USACOE